



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v-

SALVADOR E. ROSILLO,

Defendant.
-----X

07 Civ. 6027 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

This is an action seeking recovery of defaulted student loans. On July 24, 2007, defendant Salvador E. Rosillo signed a consent judgment in the matter, which was signed by the Court on July 30, 2007. On October 10, 2007, Rosillo moved, pro se, to vacate the consent judgment. While Rosillo's motion presents a sympathetic picture of his personal situation, the only legal ground he sets forth for vacating the judgment is that he was "tricked" by his home attendant into signing it.

For unknown reasons, the Court was not furnished with Rosillo's motion until July 16, 2008, at which point the Court asked the Government to respond. The Government responded on July 30, 2008, and included sworn declarations attesting that the Government had been corresponding with Rosillo by letter regarding his defaulted loans since at least January 10, 2007, and that the Government's Financial Litigation Agent, Natalya Yagudayeva, had spoken with Rosillo personally on July 16, 2007 regarding the meaning of the consent judgment that he thereafter signed. These declarations seemingly negate Rosillo's claim that he was tricked into signing a

document that he did not understand. In addition, the Government's papers challenge defendant's claim of indigence, alleging that he owns significant real estate properties. (A copy of the Government's papers will be mailed to the defendant along with a copy of this Order.)

In light of the Government's submission, defendant is hereby directed to provide the Court with a sworn affidavit or declaration, made subject to penalties of perjury, and setting forth whatever particularized facts he can offer supporting his claim of trickery and otherwise responding to the Government's allegations. Any such submission must be submitted to the Court by September 5, 2008.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 15, 2008